United Nations
GENERAL ASSEMBLY
FORTY-EIGHTH SESSION

Official Records

51st PLENARY MEETING

Wednesday, 10 November 1993 at 10 a.m.

NEW YORK

President: Mr. INSANALLY (Guyana)

The meeting was called to order at 10.35 a.m.

AGENDA ITEM 15 *(continued)*

ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS:

(c) ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

(i) MEMORANDUM BY THE SECRETARY-GENERAL (A/48/432-S/26489)

(ii) LIST OF CANDIDATES (A/48/433/Rev.1-S/26490/Rev.1)

(iii) CURRICULA VITAE (A/48/440-S/26497 and Corr.1)

The PRESIDENT: The General Assembly will proceed to the election of five members of the International Court of Justice for a nine-year term commencing on 6 February 1994. The terms of office of the following Judges expire the previous day: Mr. Shigeru Oda, Mr. Ni Zhengyu, Mr. Jens Evensen, Mr. Bola Ajibola and Mr. Géza Herczegh.

In connection with the election, I should like to bring the following matters to the attention of the members of the General Assembly.

First, in accordance with General Assembly resolution 264 (III), a State which is a party to the Statute of the International Court of Justice but not a Member of the United Nations shall participate in the General Assembly in electing the members of the Court in the same manner as the States Members of the United Nations. Therefore, on this occasion the representatives of Nauru and Switzerland may participate in the election.

Secondly, I should like to confirm that at this time the Security Council, independently of the General Assembly, is also proceeding to elect five members of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides that

> "The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until five candidates have obtained the required majority in the Assembly.

Finally, I should like to draw the attention of the Assembly to the documents relating to the election. The list of candidates which have been nominated by national groups is to be found in document A/48/433/Rev.1-S/26490/Rev.1. The curricula vitae of the candidates are to be found in document A/48/440-S/26497 and Corr.1. The Assembly also has before it document A/48/432-S/26489 containing a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the Assembly and in the Security Council with regard to the election.

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Verbatim Reporting Section, Room C-178, and incorporated in a copy of the record.

Corrections will be issued after the end of the session in a consolidated corrigendum.

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ENGLISH

In accordance with Article 10, paragraph 1, of the Statute of the Court, those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected.

The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors whether or not they vote or are allowed to vote. The electors in the General Assembly are all 184 Member States together with the two non-member States which are parties to the Statute of the Court, namely Nauru and Switzerland, for a total of 186 electors. Accordingly, for the present election, 94 votes constitute an absolute majority in the General Assembly.

The General Assembly will now proceed to a secret ballot. If on the first ballot fewer than five candidates obtain an absolute majority it will be necessary to proceed to other ballots until five candidates have obtained that majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, on 16 November 1960, these ballots shall be unrestricted.

I should like to remind representatives that, pursuant to rule 88 of the rules of procedure:

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

Therefore, any announcements such as those concerning withdrawals of candidatures should be made prior to the commencement of the voting process, that is to say, the distribution of the ballot papers.

May I take it that the Assembly agrees to the procedures I have just outlined? I see no objection.

It was so decided.

The PRESIDENT: Ballot papers will now be distributed and I ask members to take their seats to allow for their smooth distribution.

The voting process has now begun.

Representatives are requested to use only the ballot papers that have been distributed. Only those candidates whose names appear on the ballot papers are eligible. Representatives will indicate the five - I repeat, five - candidates for whom they wish to vote by placing crosses at the left of their names on the ballot papers. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Yahya (Brunei Darussalam), Mrs. Valle Camino (Cuba), Ms. Lehto (Finland), Mr. Suziedelis (Lithuania) and Ms. Iiyambo (Namibia) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10:55 a.m. and resumed at 12:20 p.m.

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	179
Number of invalid ballots:	0
Number of valid ballots:	179
Abstentions:	1
Number of members voting:	178
Required majority:	94
Number of votes obtained:	
Mr. Shigeru Oda (Japan)	163
Mr. Carl-August Fleischhauer (Germany)	152
Mr. Jiuyong Shi (China)	147
Mr. Géza Herczegh (Hungary)	76
Mr. José Luis Jesus (Cape Verde)	72
Mr. Abdul G. Koroma (Sierra Leone)	68
Mr. Samuel K. B. Asante (Ghana)	39
Mr. Alexander Yankov (Bulgaria)	33
Mr. Krzysztof Skubiszewski (Poland)	32
Mr. Rodger M. A. Chongwe (Zambia)	24
Mr. Volodymyr A. Vassylenko (Ukraine)	22
Mr. Andronico O. Adede (Kenya)	18
Mr. Nasrat Mounla Hayder (Syrian Arab Republic)	15
Mr. Francis M. Ssekandi (Uganda)	7
Mr. Enrique P. Syquia (Philippines)	6

The PRESIDENT: The following three candidates have obtained an absolute majority in the Assembly: Mr. Carl-August Fleischhauer, Mr. Shigeru Oda and Mr. Jiuyong Shi.

The Assembly will have to proceed to another unrestricted ballot to fill the remaining two vacancies.

Before proceeding to hold another round of balloting, I should like to advise representatives that I have been informed that Mr. Volodymyr Vassylenko of the Ukraine

wishes to withdraw as a candidate. His name has therefore been deleted from the ballot paper.

I would also like to advise representatives that I have been informed that Mr. Francis M. Ssekandi of Uganda wishes to withdraw as a candidate.

Once again, I should like to remind representatives that pursuant to rule 88 of the rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

Therefore, any announcement such as those concerning withdrawals of candidature should be made prior to the commencement of the voting process, that is to say, the distribution of the ballot papers. If there are any such announcements, now is the time to make them; otherwise we would have to go through the entire process of revising the ballot papers.

* * *

Ballot papers will now be distributed. The voting process has now begun.

All the candidates whose names appear on the ballot paper are eligible. The names of the three candidates who have already obtained an absolute majority of votes, Mr. Carl-August Fleischhauer, Mr. Shigeru Oda, Mr. Shi Jiuyong, and the names of the two candidates who have withdrawn their candidatures, Mr. Francis Ssekandi and Mr. Volodymyr Vassylenko, have been deleted from the ballot paper.

Once again I would remind delegations that only the names of two candidates should be marked with a cross. Any ballot paper on which more than two names are marked will be declared invalid. Votes may only be cast for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Yahya (Brunei Darussalam), Mrs. Valle Camino (Cuba), Ms. Resch (Finland), Mr. Suziedelis (Lithuania) and Ms. Iiyambo (Namibia) acted as tellers.

A vote was taken by secret ballot.

ORGANIZATION OF WORK

The PRESIDENT: Before suspending the meeting for a short while, I should like to inform members of a change in the programme of work of the General Assembly.

The introduction of agenda item 41, "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan", originally scheduled for tomorrow morning is postponed to Wednesday, 24 November, in the morning, as the second item.

Tomorrow morning the Assembly will instead take up agenda items 16 (a), "Election of twenty-nine members of the Governing Council of the United Nations Environment Programme"; 16 (b), "Election of twelve members of the World Food Council"; and 16 (c), "Election of twenty members of the Committee for Programme and Coordination"; and agenda item 17 (g), "Appointment of members of the Committee on Conferences".

I should also like to announce, concerning agenda item 53, "Revitalization of the work of the General Assembly", that I have been conducting consultations in order to determine how best to continue work started at previous sessions, and am now in a position to say that we will be establishing an informal open-ended working group with a view to carrying out the tasks set forth in resolution 47/233, in order to seek a consensus text before the conclusion of the current session.

In order to ensure continuity, I have requested the Permanent Representative of Sri Lanka and the Permanent Representative of Uganda to serve as co-chairmen of this informal open-ended working group and thus assist me in the task of advancing our work towards the revitalization of the General Assembly.

The meeting was suspended at 12.55 p.m. and resumed at 1.30 p.m.

AGENDA ITEM 15 *(continued)*

ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS:

(c) ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

(i) MEMORANDUM BY THE SECRETARY-GENERAL (A/48/432-S/26489)

(ii) LIST OF CANDIDATES (A/48/433/Rev.1-S/26490/Rev.1)

(iii) CURRICULA VITAE (A/48/440-S/26497 and Corr.1)

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	178
Number of invalid ballots:	1
Number of valid ballots:	177
Abstentions:	1
Number of Members voting:	176
Required majority:	94
Number of votes obtained:	
Mr. Abdul G. Koroma (Sierra Leone)	93
Mr. Géza Herczegh (Hungary)	87
Mr. José Luis Jesus (Cape Verde)	78
Mr. Alexander Yankov (Bulgaria)	32
Mr. Samuel K. B. Asante (Ghana)	22
Mr. Krzysztof Skubiszewski (Poland)	14
Mr. Rodger M. A. Chongwe (Zambia)	9
Mr. Andronico O. Adede (Kenya)	5
Mr. Nasrat Munla Hayder (Syrian Arab Republic)	4
Mr. Enrique P. Syquia (Philippines)	2

The PRESIDENT: Since no candidate has obtained an absolute majority in this round of balloting, the Assembly will proceed to another unrestricted ballot to fill the remaining two vacancies. However, in view of the lateness of the hour, I propose that the next round be postponed until 3.30 p.m.

I should like once again to remind representatives that, pursuant to rule 88 of the rules of procedure, after the President has announced the beginning of voting, no representative shall interrupt the voting, except on a point of order in connection with the actual conduct of the voting. Therefore, any announcements such as those concerning the withdrawal of candidatures should be made prior to the commencement of the voting process - that is, the distribution of the ballot papers. This should facilitate the election process.

I call on the representative of Kenya.

Mr. MUTHAURA (Kenya): I wish, on behalf of my delegation, to thank very much all those delegations that voted for Mr. Adede of Kenya.

We put forward the candidature of Mr. Adede because we felt very strongly that there was a need to balance the representation in the International Court of Justice to reflect our various legal systems. In that regard, we were concerned about the representation of the common law in Africa.

As we did not obtain the number of votes that would have secured Mr. Adede's election to the Court, and as we are still very far below the required minimum, we have decided, in consultation with Mr. Adede, to withdraw his candidature in the interest of securing consensus on a candidate of the type that we should like to have - that is, one able to reflect the common-law concerns in Africa.

The PRESIDENT: I take it from the statement of the representative of Kenya that the candidate Mr. Andronico O. Adede is withdrawing.

I call on the representative of Ghana.

Mr. DANKWA (Ghana): I wish to express the Ghana delegation's gratitude to those who voted for Mr. Samuel K. B. Asante.

The candidature of Mr. Asante was put forward for the purpose of creating an opportunity for a more effective contribution to the Court - particularly in terms of representation of the various legal systems. We are all in agreement about the impeccable credentials of Mr. Asante. However, having taken part in the process, the delegation of Ghana has come to the conclusion that Mr. Asante's candidature should be withdrawn with a view to enhancing the prospect of equitable representation on the Court. It is our pleasure to facilitate the achievement of that end.

The PRESIDENT: I take it from the statement of the representative of Ghana that the candidate Mr. Samuel K. B. Asante is withdrawing.

I call on the representative of Zambia.

Mr. MUSUKA (Zambia): Zambia put forward the candidature of Mr. Rodger M. A. Chongwe, a lawyer who is distinguished not just in our country or in southern Africa but in the entire continent of Africa and who has served well in many international organizations.

The International Court of Justice was set up to secure the peaceful settlement of international disputes in such a manner as to ensure that litigants are satisfied that justice as they know it has been done. Like the delegation of Kenya, we put up a candidate because we knew that the seat being contested was a common-law seat.

We feel that as the results stand we should support the candidate who will be able to serve the legal culture which Ghana, Kenya and Zambia fully support.

We want to thank sincerely all those who have supported our candidate, Mr. Chongwe, and to assure you, Mr. President, of our full support for the candidate who will be elected, because we know that he will serve the interests of the common law and bring about balance within the International Court of Justice.

We beg to withdraw the name of our candidate, Mr. Chongwe.

The PRESIDENT: I take it from the statement made by the representative of Zambia that Mr. Rodger Chongwe is withdrawing his candidature.

From that statement and the others that have just been made we have gathered that Mr. Samuel K. B. Asante, Mr. Rodger Chongwe and Mr. Andronico Adede have withdrawn. Those names should therefore be deleted from the ballot paper.

To allow time for the preparation of new ballot papers, I shall now suspend the meeting until 3.30 p.m., when we shall resume the balloting process.

The meeting was suspended at 1.45 p.m. and resumed at 3.50 p.m.

The PRESIDENT: In accordance with the announcement I made this morning, since no candidate has obtained an absolute majority in the last round of balloting, the General Assembly will have to proceed to another unrestricted ballot to fill the remaining two vacancies.

I call on the representative of Bulgaria, who wishes to make an announcement.

Mr. LOZANOV (Bulgaria): The Bulgarian delegation, with the consent of Mr. Alexander Yankov, Bulgarian candidate for election as a member of the International Court of Justice, and desiring to facilitate the election process and the proceedings of the current meeting, is announcing the withdrawal of his candidature.

I should like to take this opportunity to express, on behalf of my Government and Mr. Yankov, our most sincere thanks and appreciation to all delegations which have lent their support to the Bulgarian candidate.

The PRESIDENT: Representatives have heard the statement made by the representative of Bulgaria. The name of Mr. Alexander Yankov will therefore be deleted from the ballot paper. Once again I remind representatives that, pursuant to rule 88 of the rules of procedure:

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

Therefore, any announcements such as those concerning the withdrawal of candidatures should be made prior to the commencement of the voting process and the distribution of ballot papers.

Ballot papers will now be distributed.

The voting process has now begun.

All the candidates whose names appear on the ballot paper are eligible. The names of the four candidates who have withdrawn their candidatures, namely Mr. Andronico Adede, Mr. Samuel K. B. Asante, Mr. Rodger Chongwe and Mr. Alexander Yankov, have been deleted from the ballot paper.

Again I remind delegations that the names of only two candidates should be marked with a cross. Any ballot paper on which more than two names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Yahya (Brunei Darussalam), Mrs. Valle Camino (Cuba), Ms. Lehto (Finland), Mr. Suziedelis (Lithuania) and Ms. Iiyambo (Namibia) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4 p.m. and resumed at 5.05 p.m.

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	175
Number of invalid ballots:	0
Number of valid ballots:	175
Abstentions:	1
Number of Members voting:	174
Required majority:	94
Number of votes obtained:	
Mr. Abdul G. Koroma (Sierra Leone)	120
Mr. Géza Herczegh (Hungary)	111
Mr. José Luis Jesus (Cape Verde)	81
Mr. Krzysztof Skubiszewski (Poland)	19
Mr. Nasrat Mounla Hayder (Syrian Arab Republic)	5
Mr. Enrique P. Syquia (Philippines)	0

The PRESIDENT: Since Mr. Géza Herczegh and Mr. Abdul Koroma have obtained the required majority, the following five candidates have now received an absolute majority in the General Assembly: Mr. Carl-August Fleischhauer, Mr. Géza Herczegh, Mr. Abdul Koroma, Mr. Shigeru Oda and Mr. Jiuyong Shi.

I have communicated the result of the vote to the President of the Security Council, and I have received from the President of the Council the following letter:

"I have the honour to inform you that at the 3309th meeting of the Security Council, held on 10 November 1993 for the purpose of electing five members of the International Court of Justice for a term of office beginning on 6 February 1994, Mr. Carl-August Fleischhauer, Mr. Géza Herczegh, Mr. José Luis Jesus, Mr. Shigeru Oda and Mr. Jiuyong Shi obtained an absolute majority of votes."

As a result of the voting which has taken place independently in the General Assembly and the Security Council, the following four candidates have obtained an absolute majority in both bodies: Mr. Carl-August Fleischhauer, Mr. Géza Herczegh, Mr. Shigeru Oda and Mr. Jiuyong Shi. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing 6 February 1994. I take this opportunity to extend to them the congratulations of the Assembly on their election.

In accordance with the provisions of article 11 of the statute of the Court, it will be necessary to hold a second meeting to fill the remaining vacancy. I propose that this meeting should be adjourned and that the second meeting should be held immediately to vote on the remaining vacancy.

The meeting rose at 5.15 p.m.